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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 2, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: Establishment of a
Collaborative Committee to
Investigate Market Opening
Measures

CASE NO. PUC000026

ORDER ESTABLISHING
COLLABORATIVE COMMITTEE

Pursuant to the Commission's Order Approving Petition, issued November 29, 1999, in Case No. PUC990100, which approved the merger of Bell Atlantic Corporation and GTE Corporation, the Commission directed that a Collaborative Committee be established to consider and recommend what specific market opening measures should be further ordered.¹

We further direct that Bell Atlantic-Virginia, Inc. ("BA-VA") and GTE South Incorporated ("GTE South") fully participate in the Collaborative Committee established by this Order. BA-VA

¹ "We adopt the approach to this issue suggested by the Staff and will establish a collaborative committee, under the supervision of the Director of the Division of Communications, or his designee, to consider and recommend measures to the Commission on these and other issues, including appropriate remedies should the subject telephone companies fail to meet any performance standards ultimately adopted through the collaborative committee process." (Order Approving Petition, issued November 29, 1999, Case No. 990100, at p. 5)

and GTE South shall designate their representatives to the Collaborative Committee as directed by the Director of the Division of Communications ("Director"). Other interested parties may participate and shall also be required to designate their representatives to the Director. The Commission intends the process to be inclusive; however, we recognize the composition and/or representatives of the Collaborative Committee and/or subcommittees may subsequently change as various issues are considered.

The Director will invite interested parties to participate; and once representatives are designated, he shall convene the Collaborative Committee. The Director will have the authority to structure the Collaborative Committee as he deems appropriate, including but not limited to, the assignment of smaller working groups within the Collaborative Committee to address specific subjects for resolution.

The Commission finds that the Collaborative Committee should undertake establishing Virginia-specific performance standards and remedies for BA-VA and GTE South. Additionally, to further assist the Director in organizing and assigning priorities to the efforts of the Collaborative Committee, we are requesting comments from interested parties. Comments may suggest procedures for conducting the Collaborative Committee and identify issues and priorities for its consideration. Of

particular interest to the Commission and the Director are responses to the questions set forth below:

1. What additional issues and/or methods to identify further issues should the Collaborative Committee consider?
2. Should the establishment of carrier performance standards and remedies be addressed first?
3. Do the performance standards and/or remedies need to be the same for BA-VA and GTE South?
4. How should the Collaborative Committee assign priorities to issues in this investigation? To the extent possible, identify issues by preferred priority.
5. Should the Collaborative Committee utilize performance standards adopted in any other state or other proceeding as a starting point in Virginia? If so, what initial performance standards should be considered for BA-VA and/or GTE South?
6. Should United Telephone-Southeast, Inc. and Central Telephone Company of Virginia be required to participate in the Collaborative Committee? Should other incumbent local exchange carriers be required to participate?
7. What correlation, if any, should exist between the Collaborative Committee issues and testing BA-VA's Operation Support Systems in Case No. PUC000035?
8. Should the Collaborative Committee address current operational disputes between companies before (or separate from) addressing more generic market opening issues, i.e., line sharing?

9. Should the Collaborative Committee consider including certain non-pricing tariff provisions from BA-VA's collocation tariff as the negotiation vehicle suggested in the Staff Report filed in PUC990101 on October 27, 1999?

10. Should the Commission consider adopting alternative dispute procedures for carrier-to-carrier complaints? And, if so, should the Collaborative Committee determine and recommend such procedures?

11. What methods should the Collaborative Committee consider to gather information, i.e., informal reports, technical papers, workshops, legislative hearings?

12. How should the Collaborative Committee treat information deemed to be proprietary by one or more parties?

13. Should pricing issues be considered in the Collaborative Committee?

14. If the Collaborative Committee is unable to fully resolve issue(s) between the parties, how should such disputes be resolved?

In addition, the Commission is interested in comments drawn from the parties' experiences with collaborative processes in other states. We invite parties to discuss procedures, processes, and/or organizational structures that have been both successful and not as successful in other collaboratives. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) BA-VA and GTE South are hereby directed to fully participate in the Collaborative Committee established herein, consistent with the findings above.

(2) Leave is hereby given to all interested parties to file comments in this case no later than March 24, 2000, consistent with the findings above.

(3) The Director of the Division of Communications is hereby empowered to convene the Collaborative Committee and manage its work as provided above.

(4) This cause is hereby continued generally.